

Atty. Dkt. No. 085449-0192

TPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lawrence L. CHAPOY et al.

Title: OPHTHALMIC SENSOR

Appl. No.: 10/566,406

International 08/06/2004

Filing Date:

371(c) Date: 07/10/2006

Examiner: Jordan Marc Schwarz

Art Unit: 2873

Confirmation 3483

Number:

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

The relevance of non-English language documents A24-A27 is described in the present specification.

Documents came to Applicants' attention during a search of the corresponding European application. A copy of the European Search Report setting forth the portion of each reference considered relevant by the examiner is attached.

Document A1-A5, A9, A21 and A32-A36 listed on the attached PTO/SB/08 were cited as being relevant during a search of the corresponding International application. A copy of the International Search Report setting forth the portion of each reference considered relevant by the examiner is attached.

Documents A8 and A24 belong to the same "patent family," whereby the English language document may assist the PTO in understanding the content of the non-English language document.

Unless otherwise indicated, no English translation is readily available (not considering machine-generated translations that may be freely available online, to both the Applicant and the PTO) for each of the non-English language documents. However, a commercially available English language abstract is provided herewith, where indicated on the attached Form PTO/SB/08. Inasmuch as Applicants have endeavored to provide at least one item that complies with the requirement for a "concise explanation of relevance" for each of the non-English language documents, each of these documents has been submitted in compliance with

the PTO requirements and should be considered by the Examiner (37 CFR §1.97, §1.98 and MPEP §609).

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,

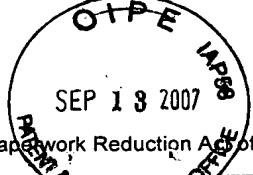
Date September 13, 2007

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5414
Facsimile: (202) 672-5399

By 

Richard L. Schwaab
Attorney for Applicant
Registration No. 25,479

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SEARCHED Form 1449/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

Date Submitted: September 13, 2007

(use as many sheets as necessary)

Sheet

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Complete if Known

Application Number	10/566,406
Filing Date	07-10-2007
First Named Inventor	Lawrence L. CHAPOY
Art Unit	2873
Examiner Name	Jordan Marc Schwarz

Attorney Docket Number 085449-0192

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
A1	US-2001/0026946-A1	10-04-2001	ASHER		
A2	US-2002/0049389-A1	04-25-2002	ABREU		
A3	US-2003/0045783-A1	03-06-2003	MARCH ET AL.		
A4	US-2004/0087842-A1	05-06-2004	LAKOWICZ ET AL.		
A5	US-3,958,560-	05-25-1976	MARCH		
A6	US-4,321,575-	03-23-1982	KOSZEWA ET AL.		
A7	US-4,632,844-	12-30-1986	YANAGIHARA ET AL.		
A8	US-5,527,925-	06-18-1996	CHABRECEK ET AL.		
A9	US-5,535,743-	07-16-1996	BACKHAUS ET AL.		
A10	US-5,583,163-	12-10-1996	MUELLER		
A11	US-5,665,840-	09-09-1997	POEHLMANN ET AL.		
A12	US-5,712,356-	01-27-1998	BOTHE ET AL.		
A13	US-5,849,841-	12-15-1998	MUEHLEBACH ET AL.		
A14	US-6,165,408-	12-26-2000	STEINMANN		
A15	US-6,221,303-B1	04-24-2001	STEINMANN		
A16	US-6,303,687-B1	10-16-2001	MUELLER		
A17	US-6,451,871-B1	09-17-2002	WINTERTON ET AL.		
A18	US-6,479,587-B1	11-12-2002	STOCKINGER ET AL.		

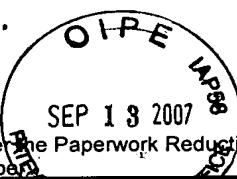
FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
A19	WO-00/78830-A1	12-28-2000	NOVARTIS AG, ET AL.			
A20	WO-01/13783-A1	03-01-2001	NOVARTIS AG, ET AL.			
A21	WO-02/087429-A1	11-07-2002	NOVARTIS AG, ET AL.			
A22	WO-03/031150-A1	04-17-2003	DSM N.V.			
A23	EP-0 367 513-B1	07-05-1995	BRITISH TECHNOLOGY GROUP LIMITED			
A24	EP-0 632 329-B1	01-04-1995	NOVARTIS AG			Abst.
A25	EP-0 637 490-B1	02-08-1995	NOVARTIS AG			Abst.
A26	EP-0 655 470-B1	05-31-1995	NOVARTIS AG, ET AL.			Abst.
A27	EP-0 712 867-B1	05-22-1996	NOVARTIS AG			Abst.
A28	WO-87/04390-A1	07-30-1987	COOPERSVISION OPTICS LIMITED			
A29	EP-0 932 635-B1	08-04-1999	NOVARTIS AG			
A30	EP-0 958 315-B1	11-24-1999	NOVARTIS AG, ET AL.			
A31	EP-0 961 941-B1	12-08-1999	NOVARTIS AG, ET AL.			

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/08 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

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~~DEMAND~~ ^{Substitute for form 1449/PTO}
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Sheet 2 of 2

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First Named Inventor	Lawrence L. CHAPOY
Art Unit	2873
Examiner Name	Jordan Marc Schwarz
Attorney Docket Number	085449-0192

NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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